

Remarks/Arguments

Applicants have received and carefully reviewed the Final Office Action of the Examiner mailed January 25, 2007. Currently, claims 20-40 remain pending of which claims 27-33 were previously withdrawn from consideration. Claims 20-26 and 34-40 have been rejected. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 USC § 102

In paragraph 3 of the Final Office Action, claims 20-23, 25-26, 34-36, and 38-40 were rejected under 35 U.S.C. 102(a) as being anticipated by Ravenscroft et al. (US Patent No. 6,007,558). After careful review, Applicant must respectfully disagree.

Turning to claim 20, which recites:

20. (Previously Presented) A filtering device, comprising:
a body member;
a plurality of struts fixedly attached to the body member and
extending therefrom; and
wherein one or more of the struts include a weakened region.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added). (See MPEP § 2131).

In paragraph 7 of the Final Office Action, the Examiner states, “[i]t is reasonable to consider the plurality of struts being fixedly attached to the body member by way of elements 34 and 36” citing Figure 4 of Ravenscroft et al. Applicant must respectfully disagree. In order to anticipate claim 20, Ravenscroft et al. must show each and every element in as complete detail as is contained in the claims. Accordingly, Ravenscroft must at least disclose “a plurality of struts fixedly attached to the body member”. As such, Ravenscroft et al. must disclose the wires (32) being fixedly attached to the hub (12), not to the ring (34).

Instead, Ravenscroft et al. appears to disclose the wires (32) equipped with hooks (28) that form the first filter basket section (14) of the filter (10) extend through the tubular legs (26) and into the interior of the hub (12). However, wires (32) are not fixedly attached to the hub (12), but are instead connected to a ring (34) on the end of a pull rod (36) that is movably disposed within the interior of the hub (12). (See column 6, lines 13-15). Additionally, being movable disposed within the interior of the hub (12), the ring (34) is not fixedly attached to hub (12). To further illustrate this, see, for example, in Figure 4 of Ravenscroft et al., which shows the wires (32) coupled to the ring (34) and terminating within the interior of the hub (12). As such, Ravenscroft et al. does not appear to disclose wires (32) being attached to hub (12), as required for anticipation.

Additionally, the shorter wires (18) do not appear to anticipate claim 20. While the shorter wires (18) used to form the second filter basket section (16) may be attached to the hub (12), these wires do not appear to include a weakened region or a reduced cross-sectional area, as further recited in claims 20 and 34, respectively. Thus, Ravenscroft et al. does not appear to disclose or suggest each and every element in as complete detail as is contained in claim 20. Therefore, Applicant submits that claim 20 is not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection.

Additionally, for similar reasons, as well as others, claims 21-23, 25-26, which depend from claim 20 and include significant additional limitations, are believed to be not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection.

Turning now to claim 34, which recites:

34. (Previously Presented) A medical device, comprising:
a body member;
a plurality of struts fixedly attached to the body member and
extending therefrom;
an anchoring member disposed on a distal end of each of the struts;
and
a reduced cross-sectional area region defined in each of the struts
adjacent the anchoring member.

For similar reasons discussed above, as well as others, Ravenscroft et al. does not appear to anticipate claim 34 and Applicant respectfully requests withdrawal of the rejection.

Additionally, for similar reasons, as well as others, claims 35-36, which depend from claim 34 and include significant additional limitations, are believed to be not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection.

Turning next to the claims 38-40, which recites:

38. (Previously Presented) A filtering device, comprising:

a conically-shaped filtering basket including an apex and a plurality of arms extending from the apex, each arm including a joined end fixedly attached to the apex; and
wherein the arms include a weakened region.

39. (Previously Presented) A filtering device, comprising:

a conically-shaped filtering basket including an apex, a plurality of arms extending from the apex, and a plurality of anchoring members coupled to the arms and positioned opposite the apex, each arm including a joined end fixedly attached to the apex; and
wherein the arms include a weakened region.

40. (Previously Presented) A filtering device, comprising:

a conically-shaped filtering basket including an apex, a plurality of arms extending from the apex, and a plurality of anchoring members coupled to the arms and positioned opposite the apex, each arm including a joined end fixedly attached to the apex; and
wherein the arms include a reduced cross-sectional area region.

(Emphasis added). In contrast to claims 38-40, Applicant asserts that the Ravenscroft et al. reference does not appear to disclose or suggest arms having a weakened region or reduced cross-sectional area region and each including a joined end fixedly attached to the apex. Instead, and as discussed above, the wires equipped with hooks in Ravenscroft et al. appear to be connected to a ring on the end of a pull rod movably disposed within the interior of the hub. Therefore, for similar reasons given above, as well as others, claims 38-40 are believed to be not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection.

Claim Rejections – 35 USC § 103

In paragraph 5 of the Final Office Action, claim 24 was rejected under 35 U.S.C.

103(a) as being unpatentable over Ravenscroft et al. (US Patent No. 6,007,558) in view of El-Nounou et al. (US Patent No. 5,242,462). In paragraph 6 of the Final Office Action, claim 37 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenscroft et al. (US Patent No. 6,007,558) in view of Ambrisco et al. (US Patent No. 6,007,557). After careful review, Applicant must respectfully disagree.

For similar reasons given above, as well as others, claims 24 and 37, which depend from claims 20 and 34, respectively, and include significant additional limitations, are believed to be patentable over Ravenscroft et al. in view of El-Nounou et al. or Ambrisco et al. and Applicant respectfully requests withdrawal of the rejection.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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